

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ELGIN WAYNE LONG, §
Petitioner, §
VS. § CIVIL ACTION NO. 4:08-CV-331-Y
§
NATHANIEL QUARTERMAN, Director, §
T.D.C.J., Correctional §
Institutions Div., §
Respondent. §

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Elgin Wayne Long under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on September 26, 2008; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on October 20, 2008.

The Court, after **de novo** review, concludes that Petitioner's objections must be overruled, and that the petition for writ of habeas corpus should be dismissed with prejudice as time-barred under 28 U.S.C. § 2244, for the reasons stated in the magistrate judge's findings and conclusions.¹

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

Petitioner Elgin Wayne Long's petition for writ of habeas corpus is DISMISSED WITH PREJUDICE.

SIGNED October 23, 2008.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

¹As noted in footnote 2 of the magistrate judge's report, even if it could be said that Long did not learn of the factual predicate for his claim--that the parole board wrongfully denied him for release to mandatory supervision because of a prior conviction for murder--until the later date of May 4, 2005 when he was not released, the petition under 28 U.S.C. § 2254 in this case is still filed beyond the applicable limitations period.